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ABSTRACT

The Hart Act, recently adopted by the state of California, mandates that school districts establish mechanisms of assessing minimal competencies in secondary education before students may receive a diploma. In this report, assemblyman Gary Hart, the bill's author, and Don McKinley, chief deputy to the Superintendent of Public Instruction, discuss the implications of the Hart Act and graduation and competency standards in general. Issues discussed include the possible de facto segregation of minorities into remedial classes and the treatment of learning handicapped students. Hart stresses that the bill offers mostly recommendations and suggestions to school districts to identify students that need help in meeting minimal competencies. (Author/MLF)

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ACSA SPECIAL REPORT

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VOL. 6, NO. 3

THE HART ACT (AB 3408)

EDITOR'S NOTE: As the successful implementation of the Hart Bill [competency tests for high school graduation AB 3408] is a crucial issue in the coming years, ACSA IS DEVOTING THIS SPECIAL REPORT TO AN INTERVIEW WITH ASSEMBLYMAN GARY HART AND DON MCKINLEY, CHIEF DEPUTY TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION, DISCUSSING THE HART BILL. Representatives of six ACSA Committees developed the questions which were asked during an hour and a half interview. They were Floyd Andrus, Director, Planning & Evaluation Services, Folsom Cordova Unified School District; Don Soli, Superintendent, Live Oak Unified School District; Ernie Wutzke, Principal, Ygnacio Valley High School, Mt. Diablo Unified School District; Michael Shuman, Principal, Placerita Junior High School, William S. Hart School District; Leonard Herbst, Assistant Superintendent Curriculum, Moreland School District; and John Moore, Assistant Superintendent, Sacramento County Office of Education. ACSA President Bill Noble and ACSA staff members Bill Cunningham, Jim Olivero, and Lew Armistead also participated. ACSA hopes this report and workshops on the Hart Bill scheduled for January will help administrators successfully implement this program.

INTERVIEW

G. H.: I really appreciate the opportunity to meet with you on this, I think there is a tendency for us in the Legislature to pass a bill and then move on to something else. I feel this is an important piece of legislation and that there may be some refinements needed. I'm anxious to work with educators to amend this law if it's clear changes are required.

QUESTION: What was your reasoning behind and your basic intent for introducing AB 3408?

G. H.: In part it comes out of my own background as a classroom teacher and my surprise when I first began teaching. There were high school Seniors I was teaching who didn't know how to read and write, and I was told by my superiors that they were to be passed through. If the student wasn't disruptive he or she could get a passing grade as long as a very minimal effort was made. It just didn't make sense to me that students who were 17 years old with a 4th grade reading level were being given high school diplomas. I didn't think that was fair to anyone: the students, the taxpayers or those of us in education who said that the high school diploma meant something. Obviously most students don't fall into that category but it was distressing to me to find there were a significant number of students who were in the 12th grade and were functionally illiterate. On top of that, I find a lot of disenchantment with the schools. Many voters know that the high school diploma doesn't mean very much. In the last few years the general public has suggested a return to basics. That means I, as an elected official, have a responsibility to try and respond to that public viewpoint.

One final point that I feel very strongly about is that we've asked the schools to do too many things. We don't really have a clear sense of priorities about what a public school education should be. Due to defaults on the part of the family and the community the schools have increasingly been asked to assume a lot of tasks. The Legislature probably deserves some of the blame and responsibility in that respect. But because of all the mandates and all the requirements it's easy for students and for schools to neglect the most important aspect of public education--basic skill training. It's very easy for schools to avoid dealing with a student's weaknesses in the basic's and focus on band, study hall, etc. to avoid subject areas in which students need some help.

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QUESTION: In reality what do you see as a working model in the field?

G. H.: You mean what kind of assessment procedure is to be used?

QUESTION: What would you see a school district doing? What would be different tomorrow than today?

G. H.: What I see taking place is an assessment that may take many different forms. It can be an informal assessment between a teacher and students, but there has got to be some demarkation line where school officials or teachers determine that a student is either on target of meeting a standard that is established by the school board as a minimal proficiency standard in the areas of reading, writing, and computational skills. This is an early warning system. Something that's triggered that I think is extremely important for the student and everyone who is involved in the educational process to try and focus on.
It's very difficult to predict how that's going to work out because we wrote the legislation in such a way to try and maximize local decision making. There is quite a bit of discussion about having a standard imposed by the State, some sort of uniform testing mechanism that I rejected because I think it goes counter to local control. The success of AB 3408 is going to depend upon how local school districts go about implementing this legislation. It's very hard to predict of course. In think success depends in part on the kinds of leadership and resources the State Department provides in terms of testing mechanisms and how seriously local school board work at implementing the law.

QUESTION: In your opinion does AB 3408 mean multiple sets of competencies for graduation?

G. H.: No, it doesn't.

QUESTION: For Ed Disadvantaged children and learning handicapped children and vocational children?

G. H.: No. It's one set for everybody. There is a provision in the bill that allows local districts to waive the standard requirement for students who have diagnosed learning disabilities, but that's again a local option. The idea is not to have a whole set of competency tests for different ability students or students who are oriented in terms of their vocational or academic plans.

QUESTION: You picked proficiency in reading, writing, and computational skills for graduation as opposed to some other academic possibilities. Why did you decide to select these areas and on what data did you base your decision?

G. H.: The data was based on my own intuition, and, I think, the public consensus that these areas are fundamental to learning and surviving in our society. If you don't know how to read, if you don't know how to write, if you don't know how to add and subtract, you are not going to make it whether you are a carpenter or a homemaker. I think those skill areas are essential to intellectual development.

QUESTION: To what extent do you feel AB 3408 will replace and/or relate to the suggestions made in the RISE Commission report?

G. H.: Well RISE as I understand it had 5 or 6 different components. On of those components had to do with proficiency standards. The proficiency section of RISE was very similar to my bill, with the exception of the high school graduation requirement. That was not included in the RISE legislation. The other principal aspects of RISE deal with the decision making process at the school site and with personalized learning programs for students. I'm sorry that the bill was vetoed because I think RISE could help make this legislation (AB 3408) work better. However, I still think irrespective of whether RISE passes or not in the future, AB 3408 is important enough and the tools are there within this bill to make it work. I think it could work better with RISE, but I think it can work without the passage of RISE.

D. M.: This bill in no way replaces RISE as far as the State Department is concerned, and, I think, some people may have seen it that way. I think we saw that RISE was the insurance that this kind of bill (AB 3408) would actually work. RISE provided the process. It was the vehicle by which we would have had a personalized approach to learning and the vehicle by which each student would have had an individual learning program through which to build his or her competencies. It was the vehicle by which AB 3408 could actually have been accomplished much more effectively than I think it will be in isolation. RISE was much broader than AB 3408 because

it did have other components as Gary has pointed out. RISE provided insurance for kids and that's what I'm concerned about; i. e. that the kids are properly assessed and assisted because if we improperly handle this bill I think we can hurt kids. I'm not being critical, I'm just saying I think it's incumbent upon us to really handle this one with care and sensitivity.

QUESTION: Since districts will be expected to define courses of study for admission to colleges and to vocational training, do you believe this will establish a trend away from the comprehensive high school and move toward a British type of education program where young people will be expected--early in their education--to determine whether they are college prep or vocational; i. e. towards a track system?

G. H.: No, I don't think so. I think if anything, by establishing one standard, that AB 3408 is consistent with what my idea of what a comprehensive high school is all about. There is a potential danger in this legislation, or in any major reform for that matter that it will be poorly drafted or poorly implemented. I want to try and be sensitive to problems that may arise. I think it is important to emphasize that this legislation establishes an early warning system whereby (if students are on the wrong track, if they are having problems) remedial steps can be taken at an early stage in the student's junior high to try and address the deficiencies that exist. Again, what I feel too often is happening at the junior high school and high school level is that students are placed in classes where there aren't many challenges or attempts to meet some of the deficiencies that do exist. We're trying to bite the bullet here. We have to admit that there are a lot of kids out there who have problems. What we first have to do is to address ourselves to that, and admit it. And then we'll have to go from there. Maybe going from there in the short run is going to produce hardships and some frustrations and some problems for some students and for some people in the education profession, but if we don't take that step, if we continue on the way we are, I don't think we're helping anyone.

QUESTION: What funds are available for staff inservice and staff development to implement this plan?

G. H.: It's important to point out that this legislation was originally part of a package of three bills, AB 3407, 3408, and 3409. AB 3407 and AB 3409 didn't make it through the legislative process. AB 3407 was an attempt to speak to some of the inservice deficiencies that very clearly exist in California in terms of providing state funds for inservice. So there are no funds for inservice in this legislation. I'm hopeful that in this next legislative session we will be able to come forward with something. AB 3407 had some other provisions which provoked the strong opposition of CTA. They didn't like the bill, and, as a result, it didn't pass. But I think some of those problems are being worked out, and chances are fairly good that we are going to get something through in the next session which will have some limited funds for inservice. I'm also hopeful that federal legislation passed last year may provide somewhere between $30 and $70 million for teacher centers and of which 10% would be earmarked for California. That's certainly encouraging news.

QUESTION: Since June 1, 1978, is the time by which standards of proficiency are to be adopted by governing boards, what do you see as the roles of the following groups: education associations, county offices, State Education Department staff members, members of boards of education, parents, students?

G. H.: My principal concern is that all these groups will take this legislation seriously and will work to implement it. As for specific roles it's hard for me to say. Obviously the State Department has statuatory responsibility in helping local school districts, at least to the extent of providing some testing items and some guidance that can be accepted or rejected by local school districts. I was encouraged to see that the Superintendent of the Santa Barbara school system is taking out ads already in the newspaper asking for community input on what they think proficiency standards should be. Santa Barbara already established a task force made up of teachers, community people and central office staff to start working right now. I guess one of the things that I'm most concerned about is that school districts don't put this off until a year from now and then have to come up with something in two months. I think this is sufficiently important, and maybe complicated enough, that it's going to take a little bit of time. What's very important is having teacher and community input. That should be beginning right now.

D. M.: Maybe this would be a good time for me to inject the State Department's role as we see it. The bill is rather explicit in stating certain kinds of responsibilities that the State Board has. The State Department serves as the staff for the State Board so we certainly have the responsibility. We are beginning to gear up to carry this out. There are certain dates in the bill: April 1, 1977

by which there must be minimum academic standards for graduation including performance indicators, and February 1, 1978--to prepare and distribute to each school district a framework for assessing pupil proficiency in reading comprehension. It will also include a range of assessment items. So there are some dates and deadlines by which we have to provide some kind of technical assistance and suggestions, guidelines, models, whatever you want to call it. Guidelines is not a good term, but we should think of models, alternatives, to implement this particular bill. We have established an internal committee in the Department, and Alex Law will be taking the lead in that. I'm giving it my personal attention from the Chief Deputy's office because I'm interested in the bill, having been a secondary school principal.

We are presently just outlining what our responsibilities are and what we must do. Within the next few days we'll be appointing a field committee made up of administrators, both at the building and district level, students, parents from around the state, school board members. We'll ask these people to come in for input sessions as we get things developed and react to what we're trying to do. We want them to give us input as to how we should carry this out. In addition I see carrying this out somewhat in the way in which we implemented AB 1821. We went out and actually held meetings around the state. This committee would be involved probably as well as our own staff and people from schools, districts, parents, whatever groups are interested to give us input and react to any models or suggestions we're developing. We're not going to lay anything on anybody, but we're going to try to pull this together. We see that's our responsibility--get a lot of input from groups, all groups that are interested in this, and have a vested personal interest, and do the things that are prescribed in the bill with a very sincere effort.

QUESTION: One of the questions that's come up in that regard, do you anticipate being ahead of the time line: I guess that's the best way I can ask the question.

D. M.: Well at this point I don't think so. It's too early to tell. Right now we want to meet the timelines. We don't have any choice there. The Legislature has spoken.

QUESTION: The phrase, "active involvement of parents, administrators, teachers, and students," appears somewhat vague in the legislation. What evidence will be acceptable that these various audiences have been "actively involved"?

G. H.: Evidence implies that someone is going to be looking over everyone's shoulder. I don't think it is going to work that way. Major school policy changes should be based upon input from a variety of sources--AB 3408 is just trying to encourage such a decision-making process.

QUESTION: I take it by your answer that you don't anticipate a MAR type process for performance competencies.

G. H.: No. But, given that response I think there is a concern. I want to make sure that the bill is being properly implemented. The next question is what kind of standards will be established and how will they be measured? I want to know that, and I know other members of the Legislature will want to know that. In fact, one of the problems passing AB 3408 was some legislators saying, "well, we've been trying to get the schools to do this for 20 years and they never do it; and nothing's ever going to come of this." I want to prove some of these people wrong and show that this legislation can have an impact. Reporting will in no way be as detailed as MAR is. But at some point, a couple of years from now, we're going to want to take a look and see where we stand in terms of this legislation and in terms of some kind of systematic review, probably from the Legislative Analyst's office.

QUESTION: What is the penalty should a local governing board fail to adopt a standard of proficiency in the basic skill areas?

G. H.: This question was asked in the Senate Education Committee, and we kind of went around on it. I don't know. It's really a sad question in a sense, given the public attention and focus on this issue. It (having proficiency standards) seems to be something that more and more people seem to agree on. Now that this is a State law, and the Govenor has called it one of the most important pieces of legislation passed in the 1976 legislative session, if school districts ignore it, it is going to make some of us pretty upset. The Legislature might have some sanction in terms of cutting off some financial aid to school districts that don't comply. But there's nothing that requires that or obligates that now in the law. I think maybe a greater concern to school districts might be legal actions that might be brought by students or parents. Failure to comply would bring about an educational malpractice suit. If school officials were to completely ignore this and parents felt that their child hadn't received a good education and wasn't

proficient in some of these basic skill areas, I think the school district would be vulnerable under this new legislation. I hope that doesn't happen.

QUESTION: Does AB 3408 mean a local board may simply accept the State Department criteria while in essence doing nothing on its own?

G. H.: Yes, I think so, although doing nothing on its own implies that there wouldn't be any debate or any dialogue on the part of local educators as to whether or not they wanted to use the State model. That would be unfortunate. But as I wrote the measure and as it went through the legislature, there is nothing to prevent a school district from basically using the criteria that are made available by the State Department.

QUESTION: So in that way you match the example with your earlier statement about active involvement, parents, staff, children and so forth.

D. M.: I'm not sure that I understand what you mean by criteria because the State Department is not coming out with one set of criteria. We're coming out with a group of models, alternatives; there's not going to be one set that districts would be able to adopt. Districts may take a portion of any of the alternatives, they could take one by itself or they could develop their own. But we're not going to send out one set of criteria: that's not our goal.

G. H.: Along those same lines, I know in my own assembly district, Lompoc, has already contracted with a testing agency in Berkeley to develop an assessment procedure. In a sense they are using another model outside the State Department.

D. M.: The governing board may use performance indicators distributed by the State Board of Education. But we're going to send out a lot of performance indicators, and a district doesn't have to use them all. It can pick and choose, or, as I say, ignore them and develop its own.

QUESTION: How do you believe the legislation will affect the climate of the school?

G. H.: Who knows? I guess one of the experiences that I have is from my own teaching experience and my discussions with other teachers. One basic problem is that if there are no standards for graduation or those standards are ridiculously low, then many students don't take academic standards very seriously. They view the educational process as a charade. By establishing a serious standard, the students know the consequences. I'm hopeful that students are going to take their academic training a bit more seriously than they have in the past.

D. M.: I think this is one of the sensitive areas. Handled improperly you could set up a climate of failure for many students and that's what we don't want to do. All students need to have some feeling of success, and success is not just doing nothing. Success is doing something, and achieving, and succeeding with something. I think this is one of the areas where we do have to be careful in our implementation. We have to be careful that we maintain a positive learning climate, to provide the alternatives so people indeed do have the opportunities and feeling of success.

QUESTION: Do you see AB 3408 as a step toward non-compulsory education? That is, if students can't or won't pass the competency exams, should they be forced to attend school?

G. H.: I don't see it as a piece of legislation that is meant to influence compulsory education requirements. I guess conceivably it could lead to that and there is increasing discussion about taking a look at what the age level is for compulsory education. But that wasn't the intent, and I don't think that it will be a consequence of this legislation.

QUESTION: May school districts award alternative diplomas? For example, can attendance learning disabilities, vocational training, college preparation be awarded?

G. H.: This is something I have been asked about quite a bit, and I'm still trying to get a clear-cut answer on it. My current understanding is that it is possible for a school district to award a certificate of completion or some other kind of piece of paper that is not a diploma as long as that piece of paper is not related to intellectual or mental requirements or skills. The courts, as I understand it, have ruled that you can't have differentiated diplomas based upon an intellectual standard. But in terms of just having come and put in seat time, there's nothing to prevent

a school district from awarding such a piece of paper. I don't think it really means much myself. But maybe it means something to the kid and to future employers or whatever, and I don't think that option is precluded in this legislation.

D. M.: I talked to Tom Griffin our chief legal counsel, today, and what Gary says is true. You can't differentiate diplomas based on intellectual and mental capacity.

QUESTION: If even another set of graduation requirements is to be prepared for students with learning disabilities, will the State do this as well?

D. M.: I don't know. The bill does allow that "the governing board may adopt differential standards of proficiency in basic skills for pupils with diagnosed learning disabilities." However, there is nothing in the bill that says we should do this. It would be a district responsibility as we see it at this point. I think we're going to be busy enough trying to get the major portion down.

QUESTION: Well the question that has come from the field, obviously, is, who decides whether someone has a learning disability?

D. M.: There are all kinds of learning disabilities, too.

G. H.: According to the legislation that is a local responsibility.

D. M.: I think that's something we can talk about in our various committees from which we will have input. We do have assessment practices we follow in special education legislation, particularly in the Master Plan for Special Education, and we're going to have assessment practices with PL 94-142. There may be some criteria from these sources which we can use for that aspect of it.

QUESTION: What, specifically, is meant about alternative assessments? Does the term alternative programs mean alternative assessments? And if the answer to those two questions is, yes, what alternatives are really available at the 7th and 8th grade levels?

G. H.: This portion of the question refers to another aspect of the bill that I don't think has received very much attention. That has to do with course of study. The only change that AB 3408 made in existing law is the requirement that school districts make alternative assessments available to students. We want to get away from seat time. Look at a student attending a high school where there is a 3 year English requirement, and that student wants to go to junior college, to take some extra courses in English. If students can test out of that 3 year requirement, there should be an opportunity for a high school sophomore or junior to do that. Perhaps there ought to be opportunities made available in the community through practical demonstration of skills to demonstrate proficiency in English or math or whatever. Now that's the basic intent of this section of the bill. We've received some comments from people who believe we have put in this code section having to do with course of study which is really already in existing law.

D. M.: Along that line, the Department will be sending a letter to all superintendents in the next few days clarifying the various provisions of the Hart Bill. AB 3408 does include some existing law, just recodifies it, and puts it all together in one big package. We hope this letter will clarify some of the things that there may be questions about.

QUESTION: One of the key concerns that has been expressed centers around the possibility of this legislation leading to de facto segregation, that if indeed, many of the minority children and low income children do poorly on the compentency based examination and then are put in classes to help meet those needs will that generate de facto segregation?

G. H.: There is no requirement in this legislation that a student at grade level 7, 9, or 11 have not passed the proficiency test has to be put in a special class or has to be held back in the grade level. This was difficult for some members of the Legislature who feel very strongly that a student who can't pass a proficiency test whether it's in the 8th grade or the 1st grade, should be allowed to go through to the next grade level. I resisted attempts to impose such sanctions on junior and senior high school students. Again, I think the options are quite open. All that we're saying is that if a student does have deficiencies, opportunities have to be made available to that student to try and correct those deficiencies. That could lead to some remedial classes that might be made up largely of minority students, but I don't think that it has to be

that way, or that that necessarily is bad. What I'm concerned about is that those students who have deficiencies currently may not be receiving any kind of remedial help in school. That's the fundamental concern we want to try to correct.

D. M.: In our disadvantaged schools we spend a lot of money through Title I, through our own educationally disadvantaged youth and the categorical programs to bring up skills in the basic areas. However, most of these resources have been concentrated at the elementary school level. Again, I think that's another sensitive part of the bill. We certainly don't want these youngsters to be penalized or hurt as a result of standards that they can't possibly meet. This is where we need to work carefully with districts and with all of us as a team to insure that the standards are reasonable and yet humane.

G. H.: These standards are not standards that will affect most students going to UC or on to a 4 year college. The students directly affected by AB 3408 represent probably the bottom quartile of current high school students in terms of achievement level. It's important to emphasize this minimal proficiency standard. That's not to take away from what Don was saying. We still need to be very sensitive to that question of failure....(voice trailed off). But the bottom line is if you are going to have a standard, there will be some psychological stress that's going to result. Some of that may be unfortunate, but I feel some of that is going to be very helpful. That it can, as I mentioned earlier, make everyone take the whole process a bit more seriously.

QUESTION: One of the issues that has come up is the difficulty of putting problem children who won't learn into a class with those who have difficulty learning, perhaps generating more disruptive influences than already exist in many schools. What is your response to that?

G. H.: Well, again the legislation reads that opportunities must be made available to students to try and correct these deficiencies. But if the student doesn't want to take advantage of those opportunities, then I don't think the school district is required or forced to allow those students to disrupt the teacher and other students from participating.

QUESTION: This issue comes from a school district in the southern part of California and I would like to just quote from the letter that was received. It says: "A knotty problem, however, rests with the educationally handicapped child. By definition, the E. H. pupil can rarely achieve "normal" learning progress, and problems are extremely resistant to remediation. The question arises, therefore, as to whether we should withhold the regular diploma from pupils who, regardless of effort, cannot learn. At the present we have approximately 800 E. H. pupils identified, over 500 of whom are in some kind of Special Education program. There are hundreds of others who would qualify for E. H. assistance, but are not referred either because there is not enough professional staff, there is no room in the program, or because their problems are not as dramatic as those who have been referred for the required psychological evaluation.
It is ironic that the Special Education pupils we are concerned with here who show the least propensity for learning (the EMR) should be guaranteed a regular diploma, while those with other handicapping conditions (whether formally identified or not) might be denied one." How do you respond to that?

G. H.: The whole question of whether or not students with diagnosed learning disabilities should be allowed to receive a diploma is a very sensitive issue. In a sense it goes contrary to the thrust of what some people, myself included, are saying the purpose of this legislation is, to give greater credibility and legitimacy to the high school diploma. But one of the other concepts that I believe in very strongly is that if a student is making a 100% effort, that student shouldn't be unduly penalized. For that reason we put in this provision. Again, I would emphasize that it is discretionary for local districts. They don't have to do this, and there is no definition of what a learning disability is. There's quite a bit of flexibility for school districts to deal with this problem. Part of the question seems to be, if our resources are so limited in terms of identifying these students or providing for their needs, aren't there going to be students that slip through and suffer as a result of AB 3408? As a result of this legislation I think we are going to be better able to identify which students have serious deficiencies and then we will be in a better position to get the Legislature to take corrective action and provide the necessary resources to do some of these things.
I hope this isn't getting too much off the point, but I hear so much congratulatory talk today that we have more students graduating from high school, as opposed to 30 or 40 years ago, and what great progress we've made. But if in the process the standards have either been watered

down or don't mean as much as they did 30 or 40 years ago, then what do these numbers really mean? One of the things I think we have in the Legislature is a feeling that, "everything out there is OK and it's just that the teachers aren't doing their job. But if we can show through this legislation and other efforts that we really have a number of youngsters who aren't able to meet, maybe through no fault of their own, this minimal education standard then I think the Legislature, through public pressure or maybe through its own enlightenment, is going to see that we've got to do a better job in terms of providing resources for local schools.

D. M.: I think the bulk of that question is fully covered in the bill. It says that children with diagnosed learning disabilities may have separate standards currently in special education, students are evaluated for placement in special programs. That to me would be a diagnosed disability. So I don't think you'd have too much trouble proving it. If you have the proper placement committee, a psychologist, a nurse, a physician, a teacher and a counselor, and all that's supposed to go with it, you've got pretty good evidence for a diagnosed learning disability.

QUESTION: What do you see as the major difference between the objectives established earlier under the Stull Bill and the competency criteria mentioned in AB 3408?

G. H.: Well I'm kind of sensitive to this. I've heard in the last week or so some people trying to tie this legislation into the Stull Act. That was certainly not the intent. I really view the two bills as being quite different, and I again emphasize the local option. It's conceivable that a school district could link what takes place in AB 3408 to the Stull Act, but there's no intent to do that. It seems to me the Stull Act is (and I'm not an expert on it) a teacher accountability bill. That was the basic thrust of it. And this legislation is different. It's establishing a standard. If students aren't meeting that standard, what I'd perceive happening at some future date would be many people asking questions. Whose fault is it? Parents, is it teachers? Principals? Or is it the students? I think that's very healthy. I think we need a lot more of that kind of analysis and discussion. I've said to some teachers who brought up this point, if the teacher is trying but the student doesn't co-operate and you can get a parent to come in and start talking about why the student isn't doing the job, that's half the battle. If you can show that parent, the community, the school board, or whatever, that the student didn't do the homework assignments, you have a defense. I think teachers are to be able to have some degree of comfort and guarantee in this legislation. They are not necessarily going to be penalized as a result of one of their students or many of their students not passing this requirement. But if you have 3 or 4 teachers trying to work with students who have these deficiencies, and all of them are successful in getting students to meet that level of proficiency except one; obviously some people are going to start asking questions about whether or not the strategies that are employed by that teacher are working. It seems to me that these are perfectly appropriate questions.

QUESTION: There is a similar question that we raised about the interface between the two pieces of legislation (AB 3408 and Stull Act). I think what I heard you say is there is no interface.

G. H.: There is not meant to be. Again, I guess there's nothing to prevent there being some interface and some coordination, but that wasn't the intent.

QUESTION: If a child passed a test in the 7th grade, does this mean that he or she therefore met the testing requirement for the legislation?

G. H.: Well, again, I sound like a broken record, it's a local option. Let's take a hypothetical case. If a school district established a 10th grade reading level for a graduation requirement and was going to begin its early warning system, as I like to call it, in the 7th grade, it wouldn't give that 10th grade reading test. Given the developmental stage of those 7th graders, 80 or 90% of them probably would not pass the test. That would trigger 80 or 90% parent conferences and it would just be overwhelming. Given a 11th or 10th grade standard a school district maybe would want to give a 5th or a 6th grade test to that 7th grader because that would be sort of in keeping with what the final requirement would be. Those students who didn't meet that first test would go into that early warning system. But ultimately if a student in the 7th grade passed the 7th grade test he or she would still have to take the 10th grade requirement in order to show that he or she had a 10th grade proficiency. What we tried to do in the legislation though was to say that if a student at the 7th, 9th, or 11th grade did pass whatever the level of proficiency finally required for high school graduation, he or she would not be required to go through the process again at a later time.

QUESTION: Conceivably a reasonable number of students will not be able to pass the competency exam. Match this with the fact that few secondary teachers are knowledgeable about diagnostic/prescriptive teaching strategies. Where and how do teachers learn these new skills? Who pays for the training?

G. H.: That's a very revealing question. If you accept the premise that there are a lot of kids that don't know how to read and write and not very many teachers who know how to teach reading and writing, we have a problem. Again, the outcome of this legislation could be to dramatize the need for inservice training, something the Legislature has not been enthusiastic about to date. This is an area of real concern to me. I find many English teachers who were trained at the college level as English Literature majors. They may not know how to teach the rudiments of reading and writing to students who are having difficulties.

QUESTION: If the items on the test are truly important, is it legitimate for teachers to obtain copies of the test items and teach to the test?

G. H.: If the purpose of the program is to try and determine if students are learning, and then teachers are teaching to the test, that's a sad commentary.

D. M.: Well we're making some assumption here there's going to be a test. It says we're supposed to put out some performance indicators and there are a number of kinds of performance indicators. Again, that's what we hope to do--ask districts to make choices or consider making choices. I hope we don't get locked in before we ever get a committee meeting going, that there's going to be a test developed. That may be one system that would be a part of performance indicators and so on.

G. H.: I was just reading the Gallup poll, and there are very interesting things in there, and one of the key things that comes through is increasing public concern and awareness on basic skills. One of the questions is, "Do you think there should be a uniform national test for high school graduates?" Over 65% said yes. When this same question was asked 20 years ago, the percentages were quite lower so there's a lot of public support out there for some kind of uniformity that we're resisting. But if the local districts and teachers aren't going to take this seriously, that's what we'll get eventually.

D. M.: That's right after we get them to behave. That's number 1 on the priorities.

QUESTION: Looking at the fiscal allocations associated with the legislation, it appears insufficient monies are available for the State Department to develop samples of standards and samples of test items to determine if indeed the standards have been reached. Additionally, while some monies are appropriated for use by districts as reimbursement for costs incurred in notifying parents and pupils, conceivably the amount here is also inadequate. Most people believe that this legislation will cost a great deal of money. In one school district it was anticipated it would cost $90,000 to crank up to implement the legislation. Where will this money come from? Included in the cost will be items for testing, parent conferences, bookkeeping, counseling, a variety of things.

G. H.: I think a little bit of perspective is necessary on this question. Number 1, the bill originally did have more money in it. I can't remember the exact figure, but it was 3 or 4 million dollars. Most of the deleted money had to do with reimbursements to local districts for assessments and that was taken out in the Assembly Ways & Means Committee, but that was the only way the bill could get through. And in fact, there was pressure in the Legislature to delete all the appropriations, and we were lucky to get the almost 1/2 million dollars that is present in the bill. The members of the Legislature who wanted no funding were saying, "Well, this is what school districts should have been doing all along. We give them all this money in foundation aid, and this is what school is supposed to be doing to begin with. They should have done this a long time ago. We give them a lot of money, they should just reorder their priorities, and do it with existing resources." It's to a certain extent I think that there can be a re-emphasis on resources. In regard to the State Department of Education, we asked, "what do you need," and we were told $175,000.00. We gave them what was requested, and now maybe there is some question as to whether that's enough. We tried to cooperate with the State Department in terms of what its needs were.

D. M.: That's correct. We got all we asked for.

G. H.: When the bill was debated before the various committees, I do not recall any organization, CTA, CFT, or ACSA stating that the resources were inadequate. In fact, I remember Senator

Gregorio in the Senate Education Committee specifically saying that he was tired of being accused of passing state mandated programs without providing the necessary funds. He specifically asked the representative of the California School Boards Association if there was enough money to do what was required. Bill Barton said very clearly that there clearly was. I think the Legislature and I were trying to listen carefully to what was being said, and that the appropriation in AB 3408 was a reasonable response to what we heard.

QUESTION: Presuming that it doesn't cover some of the costs, I imagine that local school districts and taxpayers would be expected to pick up the difference? Is that consistent with SB 90?

G. H.: I think the easy answer is that resources can be reallocated and a set of priorities can be established. Now, I'm very concerned about this, and I don't want this bill to fail because of lack of funds. If it's clear to me that there's just not enough money to do the job and that because of lack of resources school districts are just going to sabotage the bill or aren't going to be able to do the job, I'm going to work very hard to see that we get some extra money. Given the Govenor's favorable comments on AB 3408, we've got a chance to take him at his word. It's going to be very difficult for him or other members of the Legislature, with the public support for this legislation, to say, "well, now, given the demonstrated need, we're not going to fund it...." We do have a little bit of time to work on that if it does prove to be a major problem.

QUESTION: Don, I'd like to shift to you if I may. Where does the State expect to get samples of academic standards?

D. M.: We expect from a variety of sources. Number one, I hope we get some of them from the field itself. That's why we intend to have field input, to organize committees and to hold hearings throughout the state. National assessment is certainly a bank, and instructional objectives exchange out of UCLA. Other states would be a source. Oregon has done some things well, other things not so well, but we at least ought to talk to find out what's going on. A few other states have done something along these lines.

QUESTION: Do you think the allocated $175,000 will be able to get accomplished what needs to be accomplished?

D. M.: Well I'm kind of on record now. Yes, we think we can do what the bill calls for us to do. We think this will cover it.

QUESTION: Districts are to be reimbursed for contacts with parents, how do they go about getting that reimbursement?

D. M.: I think it's a little early to determine. It's in accord with the revenue and taxation code and comes on a natural reimbursement basis. It's an application to the controller, and we will get out that information.

QUESTION: Does the State expect to use the tests they have been developing in Alex Law's shop over the past years for purposes of implementing this legislation, and what are the interfaces with the State Assessment and the State Proficiency Exams?

D. M.: We've developed tests, but we don't expect to use these tests per se. We may draw items for some of them. But let's take the State Assessment program; it doesn't lend itself to this because it has a matrix sample which evaluates and tests schools rather than individual students. That obviously is not a viable source. The kinds of items that might be on the proficiency test we could use. However, that's a high security test. We could take kinds of items, but we certainly couldn't take specific items from that particular test. We need to put all of our heads together to determine a variety of indicators, including test items and tests themselves, that would be used to determine these proficiencies.

QUESTION: If after written communication and an effort at telephone communication has been unsuccessful, what options are available to the principal?

G. H.: The idea behind the legislation was to require school officials to make an effort to have some kind of communication or conference with the parents given the seriousness of the situation. But I know and superintendents know and everyone else knows that there are a lot of parents that either can't be reached or refuse to cooperate. That's a major part of the problem. But I want to make sure that the school officials have made an attempt. If they fail after making that attempt, then they've fulfilled their responsibility.

QUESTION: Would you consider an attempt to be a note on a report card that says I'd like to talk to you about Billy?

G. H.: No. The bill is very specific on this. It says the pupil's parent or guardian will be requested in writing to attend such a conference within 5 days of the time such written notice is postmarked. The school shall make a reasonable effort to contact the parent or guardian by telephone to communicate directly the information contained in the written request. So there's both the written request at the time of the student's deficiency as well as a follow-up phone call. That's the requirement.

D. M.: If you have on file a return receipt or a certified letter that hasn't been delivered, and you can't get any response; then you have that to back up the fact that you have made a reasonable effort. Anything short of that, and you may have a little difficulty.

QUESTION: Will the State provide samples of standards and assessment items in languages other than English?

D. M.: That's an intriguing question. The bill certainly doesn't address that. Right now that's not our plan, but it's one we may have to talk about more and consider in more depth. The district may have responsibility to provide the indicators in a language other than English because of the emphasis we have today on limited English and non-English speaking students. Right now we see no mandate. If we have to do this, then we may not have enough money to provide these indicators in a language other than English.

G. H.: The basic intent of the legislation was not to mandate a bi-lingual alternative. Again I would emphasize that this is a minimal proficiency graduation requirement for the State of California in the United States of America. It's not an attempt to say that bi-lingual education doesn't have a role, an instructional model that has validity. But the bottom line in terms of passing a proficiency test when you're talking about reading and writing, it should be in the English language.

QUESTION: Should districts wait for guidelines before proceeding? Is there a possibility that those districts that do more ahead would be inconsistent with the guidelines?

D. M.: I don't like the idea of guidelines, but prefer to talk about putting out examples, models, things of this nature. I don't think districts need to wait. I think the bottom line responsibility is with the district. There are certain responsibilities spelled out for the State Board and State Department of Education, and we will be coming out with those models and indicators and framework for assessment. But I don't know how a district can be inconsistent with the State's frameworks because the ultimate responsibility is with the district to either accept, choose from, mix and match things that the State might send out as examples, or develop its own. If districts develop their own they're not inconsistent with us. They've gone off and done their own thing based on other kinds of criteria. I don't know how that can be inconsistent. But I feel districts need to start thinking about this now. If they need our work before they can continue that's fine, but if not they can go ahead and perhaps be valuable input as we put the models and framework together for the State.

QUESTION: Without belaboring the point, I think where some of that came from are those school districts that have ECE and were told to develop your local model. They developed their local model and the MAR team representatives suggested that their model wasn't....

D. M.: There's nothing in this bill that puts any responsibility on the state to monitor this process. We have technical assistance responsibilities to provide framework, models, indicators, things of this kind, but I don't know how you read into it, you could be inconsistent unless they change the legislation.

QUESTION: How can the 28 demonstration schools working on reading and math be of service to other schools in California, and are there any dissemination plans for this purpose?

D. M.: They can be of great help. I think there are dissemination plans that Rex Fortune has. In fact I think they are disseminating now. They'll be putting out information about how those schools are working and what kinds of successes they're having. We have other programs along with that, our EDY program, Title 1 program, Title IV C projects, that would be models and will be disseminated. They will be available for districts that might want to consider these kinds of examples.

QUESTION: Each time a student moves into a new district, is it necessary for that student to take a new competency examination determined for that specific district? Is reciprocity possible?

D. M.: As I read the bill it would be true that each district has its own competency or proficiency standards. There is nothing in the bill to prevent, as I read it either, the development of reciprocity if a district chooses to say we would accept on a reciprocal basis the standards which they've been tested for in another district. In fact, I think we ought to talk about that as we develop our framework and models because a student could transfer in his senior year and all of a sudden find himself in a position of being denied something he already met the proficiency for in another district. It's something we need to consider; but as it's written at the present time, we would have to work on that and bring it to the attention of districts and point out the options of reciprocity.

QUESTION: Even though paragraph (c), Section 7 of 8575 reads, "Nothing in this section shall be construed to authorize or require the State Board of Education to adopt statewide minimum academic standards of graduation from high school," isn't this in effect what is likely to happen?

D. M.: I don't think so necessarily. It's our hope with the process that I've outlined to you of involvement, in working with a lot of people in a team effort, that we can put some quality alternatives before school districts to consider. Districts can then match with their own, pick and choose, and, indeed if work together, we can do this in a quality manner. If that occurs, then I see no necessity for a state-wide minimum standards for graduation. If we don't make this work, if we kind of bow our necks and doom this thing to failure, then something like that may occur I think we have an obligation to make it work, and we're certainly committed at the Department level to do everything we can to work with you and to develop the kind of quality that will make it work.

QUESTION: When is the first assessment to be given?

D. M.: You have to back out of the legislation because it says by a certain date, 1980, seniors graduating that year will have first met it. You have to back from that to when do you want to start the process to make it orderly. Someplace in '78 or '79 I think you would start this process and, again, the bill doesn't address that specifically. That's something we need to work out in our framework and in some of the technical assistance we give. We should share this data and determine when would be a likely time to start to make it an orderly process to meet that 1980 deadline.

QUESTION: How often do you anticipate the assessments will be administered?

D. M.: That's a local determination. How often do they want to send out the notices to parents and go through the whole process. There has to be some kind of orderly process that will make it logistically workable. I mean you certainly couldn't do it every two or three months. It could be once in the 7th through 9th grades and twice in grades 10, 11, and 12. Those are minimum requirements and are spelled out in the law.

QUESTION: Does the law apply to adult education, for graduation purposes that is, for a high school diploma?

D. M.: I feel it is not appropriate because it is in a different section of the Code. But it might be something you want to check with counsel on to see how they would interpret it since indeed adult schools do give high school diplomas for high school work completed. In some instances adults and high school students are in the same classes.

QUESTION: So the same option would be available for continuation schools--local district determination.

D. M.: Continuation schools are part of the regular high school process and therefore it applies to them.

QUESTION: As new information comes in will you be open to comments and ideas?

G. H.: Very definitely. There could be some kind of clean up bill next year. If it's needed, I want to carry it.

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